

**ZONING BOARD OF APPEALS**  
**May 4, 2011**

A regularly scheduled meeting of the Zoning Board of Appeals, of the Town of Trumbull, was held in the Council Chambers of the Trumbull Town Hall on Wednesday, May 4, 2011.

Members Present: Michael Muir, Chairman  
David Preusch, Carl Scarpelli, Joseph Vitrella and alternates  
William Malmstedt, Richard Mayo and Dennis Miko

The following is a brief summary of the meeting. A complete record is on tape, on file in the office of the Zoning Board of Appeals.

A quorum being present the Chairman called the meeting to order at 7:30 p.m.

In the absence of Commissioner Puskar, alternate Dennis Miko was designated as the fifth voting member for tonight's meeting.

**PUBLIC HEARING**

Application #11-07 – Jason and Jennifer Chiodo, 83 Cottage Street

Variance of Art. III, Sec. 1 with respect to insufficient yard requirements to modify an existing variance to construct a set of stairs 19' from the front property line.

The applicant, Jason Chiodo, came forward and presented the proposed revisions to his previously approved variance (Application #10-21). Photographs of the porch construction, a packet of architectural drawings and a letter of support from the property owner directly across the street, were submitted for the record.

The original variance granted a 24.6' setback from the front property line. The submitted plan at that time placed the steps on the side of the porch. The applicant is now asking that the variance be modified to relocate the steps facing forward increasing the front setback to 19' from the property line.

Mr. Chiodo explained that in the original plan the porch extended only across a portion of the front of the house. The architectural plans have now been revised to extend the porch across the full length of the house. The applicant indicated that locating the stairs on the side of the porch would not be practicable under the revised plans.

Several Commissioners offered options that would allow for the porch to be extended with the steps still positioned on the side, which would allow the approved front setback to be maintained.

Application #11-08 – Joseph Guedes, 71 Jerusalem Hill

Variance of Art. III, Sec. 1 with respect to insufficient yard requirements to construct a 25'x30'20'(h) detached two car garage (existing one-car garage to be removed) 9.4' from the rear property line.

Joseph and Betsy Guedes appeared. The applicant informed that the submitted plans have been revised to eliminate the proposed second story. This will bring the application into conformance with the 15' height requirement for a detached garage. A petition signed by neighborhood property owners in favor of the proposed construction was submitted for the record.

The applicant hoped to utilize the existing slab of the demolished one-car garage to construct a two-car garage. Mr. Guedes indicated that the proposed location was comparable to other accessory buildings in this neighborhood.

The option of moving the garage closer to the house in order to further the distance between the garage and the rear property line was brought to the applicant's attention. Mr. Guedes responded that his preference was to utilize the existing foundation but was not opposed to moving the structure forward.

Public Comment

Victor Spigarolo, 83 Jerusalem Hill and Matthew Swenson of 91 Jerusalem Hill spoke in favor stating that the proposed construction was an improvement not only to this property but to the surrounding neighborhood as well.

Attorney Joel Green addressed the Board, in opposition, on behalf of his clients Ann and Terrance Bussen the abutting property owners to the rear. Excerpts from the zoning regulations, pertaining to this application, were submitted for the record.

Mr. Green contended that the proposal, as submitted, does not conform to Art. I, Sec. 4 of the zoning regulations, which specifies that non-conforming structures cannot be enlarged. The applicant's revised plan needs to be made available for review and maintained further that no zoning hardship has been identified.

Ann and Terrance Bussen of 78 Hilltop Drive came forward and indicated that the proposal would trespass on their privacy and asked that the structure be moved further away from the rear property line.

Application #11-09 – John Cannone, 273 Shelton Road

Pursuant to Art. II, Sec. 1.2.2.7 Par. B appeal of Violation Notice from the Zoning Enforcement Officer, dated March 31, 2011 concerning an unauthorized in-law/accessory apartment detached from the main dwelling.

John and Stephanie Cannone submitted photographs of the detached structure. Mr. Cannone informed that the garage, along with the second floor apartment, was built in 1964. He purchased the property in 2005 and, since that time, this living area has only been utilized by family members and never as a rental unit. Photographs of a neighboring property, with a similar detached apartment that received approval through an amnesty moratorium, were submitted. The applicant informed that he was unable to take advantage of the Town's moratorium, as he did not hold ownership at that time.

Two previous applications for variances for this non-conforming use, which were denied by this Board, were noted for the record.

This concluded the Public Hearing

### **REGULAR MEETING**

Tonight's applications were then considered and the Commission took action as follows.

Application #11-07 – Jason & Jennifer Chiodo, 83 Cottage Street

MOTION MADE (Vitrella) and seconded (Scarpelli) to approve Application #11-07.

Vote: In Favor: 0 - Opposed (5): Muir, Preusch, Miko, Scarpelli, Vitrella. MOTION DOES NOT CARRY - Application #11-07 Unanimously Denied

The Commission determined that other viable alternatives are available, which would allow the steps to be constructed within the original approved variance.

Application #11-08 – Joseph Guedes, 71 Jerusalem Hill

MOTION MADE (Vitrella) and seconded (Scarpelli) to approve Application #11-08.

Vote: In Favor: 0 - Opposed (5): Muir, Preusch, Miko, Scarpelli, Vitrella MOTION DOES NOT CARRY – Application #11-07 Denied Without Prejudice

The Commission was in agreement that revised plans, reflecting the proposed modifications, need to be submitted. It was agreed that any additional application fee be waived.

Application #11-09, John Cannone, 273 Shelton Road

MOTION MADE (Scarpelli) and seconded (Vitrella) to sustain the appeal for application #11-09.

Vote: In Favor: 0 - Opposed (5): Muir, Preusch, Miko, Scarpelli, Vitrella. MOTION DOES NOT CARRY - Appeal unanimously denied for the following reasons.

1. Sufficient evidence was not presented to indicate that the Zoning Enforcement Officer acted improperly.
2. The Zoning Regulations specify that accessory apartments cannot be located in structures detached from the main dwelling.

There being no further business to discuss a motion was made by Commissioner Vitrella and seconded by Commissioner Scarpelli to adjourn. The May 4, 2011 meeting of the Zoning Board of Appeals of the Town of Trumbull adjourned at 9:00 p.m. with unanimous consent.

Respectfully submitted,

Helen Granskog  
Clerk of the Zoning Board of Appeals